

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

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MEDMARC CASUALTY INSURANCE  
COMPANY,

*Plaintiff,*

v.

SELL & MELTON LLP, R. CHIX  
MILLER, BAKER CORRECTIONAL  
DEVELOPMENT CORPORATION, and  
GLADES CORRECTIONAL  
DEVELOPMENT CORPORATION,

*Defendants.*

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CIVIL ACTION  
NO. 5:17-cv-449-TES

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**ORDER GRANTING PLAINTIFF'S MOTION TO RECUSE**

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Before the Court is Plaintiff's Motion for Recusal (Doc. 41) wherein Plaintiff claims that Judge Self is required to recuse himself pursuant to 28 U.S.C. § 455(a) and (b). Section 455 provides in pertinent part as follows:

- (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
- (b) He shall also disqualify himself in the following circumstances:
  - (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
  - (2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

In support of its motion, Plaintiff correctly indicates that “at the time of the Glades Bond Opinion which is at issue in this case, Judge Self was a law partner at [Sell & Melton, LLC, a defendant in this action] and listed on the firm’s letterhead.” (Doc. 41, p. 4). Thus, “a lawyer with whom [Judge Self] previously practiced law served during such association as a lawyer concerning the matter” at issue in this case. 28 U.S.C. § 455(b)(2). Moreover, as Plaintiff notes, Judge Self practiced law with Defendant R. Chix Miller at the time the events underlying this action occurred. (Doc. 41, p. 4). In this circumstance, “the potential for conflicts of interest are readily apparent,” and recusal is mandatory pursuant to 28 U.S.C. § 455(b)(2). *United States v. Patti*, 337 F.3d 1317, 1321 (11th Cir. 2003). Accordingly, Plaintiff’s Motion for Recusal is hereby **GRANTED** and the clerk is hereby **DIRECTED** to reassign this case. Any other relief sought by Plaintiff is hereby **DENIED** as moot.

**SO ORDERED** this 29<sup>th</sup> day of March, 2018.

**S/ Tilman E. Self, III**  
**TILMAN E. SELF, III, JUDGE**  
**UNITED STATES DISTRICT COURT**